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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,310	10/06/2004	Ralph Hubert Peters	NL 020329	7470
24737	7590	11/22/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			CARTER, WILLIAM JOSEPH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/510,310	PETERS, RALPH HUBERT	
	Examiner	Art Unit	
	William J. Carter	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 13-19 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/4/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cap unit extending from the edge of the screening ring which is more distant from the axis, of claim 9, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 9 is objected to because of the following informalities:

In claim 9, line 2, "that edge" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Maassen et al. (EP 0 336 478 A1).

With respect to claim 1, Maassen teaches a lighting unit (Fig. 1) provided with a concave reflector (1) having an axis of symmetry (2) with a light emission window (4) bounded by an edge of the reflector (3) which surrounds the axis transversely (Fig. 1), an elongate light source (22) which is axially arranged substantially on the axis of symmetry (Fig. 1) and which is accommodated in a holder (24) opposite the light emission window, and an axially positioned cap (10) serving as an optical screening means that partly surrounds the light source for intercepting unreflected light rays (Fig. 1), characterized in the cap forms part of a sleeve (10 and 24) surrounding the light source (Fig. 1).

Art Unit: 2875

As for claim 2, Maassen teaches the cap (10) is provided with an edge (top edge of 10) which is impermeable to light and which extends transversely (Fig. 1) the axis of symmetry (2).

As for claim 3, Maassen teaches the edge (top edge of 10) is formed as a transition (Fig. 1) between the cap (10) and a sleeve (10 and 24) portion located between the cap and the holder (24).

As for claim 5, Maassen teaches the reflector (1) and the light source are indetachably integrated into a lamp (Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 13-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maassen.

With respect to claims 7, 13, and 14, Maassen teaches all of the claimed elements, as discussed above, as well as a coating (page 3, lines 34-38) for screening and intercepting light. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the coating on the cap of Maassen, in order to darken it to produce its screening and intercepting properties. Maassen does not explicitly teach the sleeve and cap are formed from a single piece of material. It would have been

Art Unit: 2875

obvious to one of ordinary skill in the art, at the time of the invention, to make the cap and sleeve integral, since it has been held that making an old device integral without producing any new and unexpected result involves only routine skill in the art. In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

As for claim 8, Maassen teaches a screening ring (ring at the base of cap 10) around the axis and disposed at a perpendicular angle with respect to the axis (Fig. 1), the screening ring enhancing the screening properties of the sleeve (24) and cap unit (10).

As for claims 15-17 and 19, Maassen teaches all of the elements, which are assembled as claimed, thus the method is inherently taught.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maassen in view of Zhao et al. (6,382,816).

With respect to claim 6, Maassen teaches all of the claimed elements, as discussed above, except for explicitly teaching the lamp is a metal halide lamp with a ceramic discharge vessel. Zhao, also drawn to lighting with reflectors, teaches a lamp is a metal halide lamp with a ceramic discharge vessel (column 7, lines 52-53). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the lamp of Zhao in the light of Maassen, in order to utilize a light source (column 7, lines 50-53).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maassen in view of Hasegawa (5,140,220).

With respect to claim 18, Maassen teaches all of the claimed elements, as discussed above, except for explicitly teaching a screening ring is at a non-perpendicular angle with respect to the axis. Hasegawa, also drawn to lighting units, teach a screening ring (3) disposed at a non-perpendicular angle with respect to an axis (Fig. 1). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the screening ring of Hasegawa in the lighting unit of Maassen, in order to provide a simple structure to diffuse the light emitted by the light source (column 1, lines 39-45). Maassen and Hasegawa teach all of the elements, which are assembled as claimed, thus the method is inherently taught.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 2, 5, and 6 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 6, and 8 of copending Application No. 10/535293. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending Application No. 10/535293 also teaches the metal halide lamp with a ceramic discharge vessel that is indetachably integrated with the reflector into a lamp, with the same orientation, and the same optical screen cap that is provided with the same edge/screening ring.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Allowable Subject Matter

Claim 4 is allowed.

Claims 9-12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach or suggest a cap surrounded by an impermeable screening ring that extends in a direction of a light emission window; the cap unit extending from the edge of the screening ring which is more distant from the axis; and the sleeve and cap unit comprising an integrally formed conical ring surface with an apex angle being at the side of the position which has a maximum apex angle of 10°, along with the limitations of the previously claimed subject matter.

Response to Arguments

Applicant's arguments filed 30 August 2006 have been fully considered but they are not persuasive. Maassen ('478) teaches, on page 3, lines 32-33, a cap 10 is placed on the outer envelope 24 and is kept in its place thereby. As in Fig. 1, the cap 10 and envelope 24 are shown connected. These two citations teaching connection, show that the items are disposed together to form a sleeve (10 and 24). Further, In re Larson teaches it would have been obvious to make the cap and sleeve integral.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Carter whose telephone number is (571)272-0959. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571)272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wjc
11/3/06


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PRIMARY EXAMINER